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April 9, 2010

The Honorable Jocelyn Boyd
Interim Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a
AT&T South Carolina v. Image Access, Incorporated d/b/a New Phone
Docket No. 2010-19-C

Dear Ms. Boyd:

AT&T South Carolina respectfully submits the following documents for filing in the above-referenced Docket:

1. AT&T South Carolina's Response to Motions to Dismiss and/or Stay and Reply to Responses to Motion to Consolidate.¹
2. AT&T South Carolina's Motion to Dismiss or Sever Certain Counterclaims.

¹ This Response addresses both dPi's "Motion to Dismiss and/or Stay and Response to Motion for Consolidation" and NewPhones' "Motion to Dismiss and/or Stay and Response to Motion for Consolidation," in which Image Access, Incorporated has joined. See Responses of Affordable Phone Services, Inc., d/b/a High Tech Communications, Dialtone and More, Inc., Tennessee Telephone Service, LLC d/b/a Freedom Communications, USA, LLC, and Onetone Telecom Inc. to AT&T's Motion for Consolidation, filed in Docket Nos. 2010-14-C, 2010-15-C, 2010-16-C, and 2010-17-C on or about February 25, 2010.

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3. AT&T South Carolina's Response to Image Access, Incorporated's Answer/Counterclaims.

By copy of this letter, I am serving all parties of record with a copy of these pleadings as indicated on the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads "Patrick W. Turner". The signature is written in a cursive, flowing style with a prominent horizontal line above the first name.

Patrick W. Turner

PWT/nml
Enclosure
cc: All Parties of Record
799773

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

BellSouth Telecommunications,)	
Incorporated d/b/a AT&T Southeast d/b/a)	Docket No. 2010-19-C
AT&T South Carolina v. Image Access,)	
Incorporated d/b/a New Phone)	

**AT&T SOUTH CAROLINA’S RESPONSE TO NEWPHONE’S
ANSWER/COUNTERCLAIM**

BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T South Carolina (“AT&T South Carolina”) respectfully submits this Response to the Answer and Counter-Claim (“Answer/Counterclaim”) filed by Image Access, Inc. d/b/a NewPhone (“NewPhone”) on or about February 25, 2010.

1. Any allegation in the Answer/Counterclaim to which a response is required of AT&T South Carolina is denied unless expressly and explicitly admitted herein.

2. The allegations in the “Defenses” section of the Answer/Counterclaim (at pages 1-4) require no response from AT&T South Carolina. Without waiving the foregoing, AT&T South Carolina denies: that any of the affirmative defenses alleged by NewPhone are valid; that it has violated any provision of law; and that NewPhone is entitled to attorneys’ fees. Moreover, for the reasons set forth in AT&T South Carolina’s Response to Motions to Dismiss and/or Stay, AT&T South Carolina objects to NewPhone’s requests, in Paragraphs 2-4 (at pages 1-3) of its Answer/Counterclaim, that the Commission dismiss AT&T South Carolina’s Complaint or delay these proceedings, and AT&T South Carolina denies that NewPhone is entitled to anything it requests in those paragraphs.

3. The allegations in the “Answer” section of the Answer/Counterclaim (at pages 4-7) require no response from AT&T South Carolina. Without waiving the foregoing, AT&T South Carolina denies NewPhone’s assertions, in Paragraphs 14-16 (at page 7), that it does not claim any credits under referral marketing promotions.

RESPONSE TO COUNTERCLAIM

4. AT&T South Carolina admits the allegations in Paragraph 1 of the Counterclaim (at page 8 of the Answer/Counterclaim).

5. AT&T South Carolina denies the allegations in Paragraph 2 of the Counterclaim (at page 8 of the Answer/Counterclaim).

6. To the extent the allegations in Paragraph 3 of the Counterclaim (at pages 8-9 of the Answer/Counterclaim) require a response from AT&T South Carolina, they are denied.

7. To the extent the allegations in Paragraph 4 of the Counterclaim (at pages 9-10 of the Answer/Counterclaim) require a response from AT&T South Carolina, they are denied.

8. AT&T South Carolina denies the allegations in Paragraph 5 of the Counterclaim (at page 10 of the Answer/Counterclaim).

9. AT&T South Carolina denies that NewPhone is entitled to any of the relief it seeks in its Answer/Counterclaim, including without limitation the relief sought in the “wherefore” clause at pages 10-11.

AFFIRMATIVE DEFENSES

10. NewPhone’s Counterclaim fails to state a cause of action upon which relief can be granted.

11. NewPhone's Counterclaim is barred, in whole or in part, by the doctrines of unclean hands, laches, forbearance, waiver, and/or estoppel.

13. NewPhone's Counterclaim is barred, in whole or in part, by the applicable statute of limitations and/or the applicable "dispute" provisions of the parties interconnection agreement(s), including without limitation provisions addressing the presentment, pursuit, escalation, and preservation of billing disputes.

14. NewPhone's Counterclaim is barred, in whole or in part, by NewPhone's failure to mitigate any damages allegedly sustained.

15. To the extent the Commission awards NewPhone any relief with regard to its Counterclaim (and it should not), such relief should be only prospective in nature.

WHEREFORE, AT&T South Carolina respectfully requests that the Commission enter an Order denying all relief sought by NewPhone, dismissing its Counterclaim, and granting such further relief as the Commission deems appropriate.

Respectfully submitted this 9th day of April, 2010.

BELLSOUTH TELECOMMUNICATIONS, INC.
d/b/a AT&T SOUTHEAST d/b/a AT&T SOUTH
CAROLINA



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STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

CERTIFICATE OF SERVICE

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T South Carolina ("AT&T") and that she has caused AT&T South Carolina's Response to NewPhone's Answer/Counterclaims in Docket No. 2010-19-C to be served upon the following on April 9, 2010:

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Nyla M. Laney

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